

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RUBEN ALBERTO,)
Plaintiff,)
)
v.) C.A. No. 05-10799-JLT
)
MASSACHUSETTS DEPARTMENT OF)
CORRECTION,)
DOCTOR FREDRICKSON, and)
BROCKTON HOSPITAL,)
Defendants.)

MEMORANDUM AND ORDER OF DISMISSAL

TAURO, D.J.

On May 4, 2005 this Court entered a Memorandum and Order (#2) directing Plaintiff to either pay the \$250.00 filing fee or file a completed Application to Proceed *in forma pauperis*, accompanied by a certified copy of his prison account statement for the past six (6) months. Additionally, the Plaintiff was directed to show cause within forty-two (42) days why this action should not be dismissed for the reasons stated in that Memorandum and Order.

Plaintiff's mail was returned as undeliverable, however, Plaintiff failed to notify this Court as to his current whereabouts and mailing address in accordance with the requirements of Local Rule 83.5.2 (e)¹. The Court later determined that Plaintiff was transferred to MCI Norfolk, and the Memorandum and Order was re-sent to the Plaintiff at that facility, on May 16,

¹Local Rule 83.5.2(e) provides:

Each attorney appearing and each party appearing pro se is under a continuing duty to notify the clerk of any change of address and telephone number. Notice under this rule shall be filed in every case. Any attorney or party appearing pro se who has not filed an appearance or provided the clerk with his current address in accordance with this rule shall not be entitled to notice. Notice mailed to an attorney's or party's last address of record shall constitute due notice contestable only upon proof of a failure to mail delivery. (emphasis added)

2005. To date, Plaintiff has failed to pay the filing fee or file a completed Application to Proceed *in forma pauperis*, nor has he filed any document to show cause why this action should not be dismissed.

Accordingly, for Plaintiff's failure to comply with the May 4, 2005 Memorandum and Order, and for reasons stated in the Memorandum and Order, this action is hereby ORDERED dismissed, without prejudice.

Dated: July 6, 2005

/s/ Joseph L. Tauro
JOSEPH L. TAURO
UNITED STATES DISTRICT JUDGE